

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF NORTH CAROLINA

ALESIA CANNON <i>et al.</i> ,	)	Civil Action No.: 1:19-cv-00877
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
AUTOMONEY, INC. and	)	
AUTOMONEY NORTH, LLC,	)	
	)	
Defendants.	)	
_____	)	

**DEFENDANTS' MOTION TO DISMISS**  
**OR, IN THE ALTERNATIVE, TRANSFER VENUE**

Defendants AutoMoney, Inc. and Auto Money North LLC (collectively "AutoMoney" or the "Defendants"), by and through the undersigned counsel, and pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6), Local Civil Rules 7.2 and 7.3, and 26 U.S.C. § 1404(a), hereby file this Motion to Dismiss or, in the Alternative, Transfer Venue ("Motion").

Under North Carolina conflicts of law rules and principals and the choice-of-law provisions in all agreements after July 17, 2015, the Agreements are exclusively governed by South Carolina law. However, Plaintiffs only assert claims under North Carolina law. Thus, all of Plaintiffs claims must be dismissed for failure to state a claim.

AutoMoney also respectfully asserts that it does not have sufficient contacts with the State of North Carolina such that this Court's exercise of jurisdiction over it would comport with the traditional notions of fair play and substantial justice. AutoMoney does not have any locations in North Carolina or direct any conduct into the State of North Carolina other than to enforce its rights under the Agreements – which are negotiated, executed, and performed in South Carolina. In the alternative to dismissal, AutoMoney asserts that for the convenience of parties and witnesses and in the interests of justice the action should be transferred to the United States District Court for the District of South Carolina.

The basis for this Motion to Dismiss is set forth more fully in the brief filed simultaneously herewith.

Respectfully submitted,

LAW OFFICES OF L.W. COOPER JR. LLC

/s/M. Lindsay Allio

M. Lindsay Allio

NC State Bar No. 54336

Law Offices of L.W. Cooper Jr., LLC

36 Broad Street

Charleston, SC 29401

Tel: 843.375.6622

Fax: 843.375.6623

Email: [mla@lwcooper.com](mailto:mla@lwcooper.com)

*Counsel for Defendants*

DATED: September 6, 2019

**CERTIFICATE OF SERVICE**

I hereby certify that on September 6, 2019, a copy of the foregoing Defendants' Motion to Dismiss or, in the Alternative, Transfer Venue was served on counsel for the plaintiffs via the Court's e-file system to:

James R. Faucher  
Jeffrey K. Peraldo  
BROWN, FAUCHER, PERALDO & BENSON, PLLC  
822 N. Elm Street, Suite 200  
Greensboro, NC 27401  
Tel: 336.478.6000  
Fax: 336.273.5597  
Email: [james@greensborolawcenter.com](mailto:james@greensborolawcenter.com)  
[jeff@greensborolawcenter.com](mailto:jeff@greensborolawcenter.com)  
*Counsel for Plaintiffs*

/s/M. Linsay Allio  
M. Linsay Allio  
NC State Bar No. 54336  
Law Offices of L.W. Cooper Jr., LLC  
36 Broad Street  
Charleston, SC 29401  
Tel: 843.375.6622  
Fax: 843.375.6623  
Email: [mla@lwcooper.com](mailto:mla@lwcooper.com)

*Counsel for Defendants*